



SENATOR RODNEY ELLIS
Chairman

The Senate of Texas Jurisprudence Committee

SENATOR CHRIS HARRIS
Vice-Chair
SENATOR DAVID CAIN
SENATOR ROBERT DUNCAN
SENATOR GREGORY LUNA
SENATOR STEVE OGDEN
SENATOR JEFF WENTWORTH

RQ 1112

RECEIVED

March 13, 1998

MAR 23 1998

RECEIVED

The Honorable Dan Morales
Attorney General, State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

Opinion Committee

MAR 20 1998

GOVERNMENTAL INQUIRY
UNIT

FILE # ML-40164-98
I.D. # 40164

Dear General Morales:

Late last year you issued Attorney General Opinion No. DM-464, relating to the constitutionality of Senate Bill 1417, Acts 1997, 75th Legislature. Since that time, my office has been contacted regarding whether the \$25 time payment fee allowed under SB 1417 may be assessed more than once under the same order.

Specifically, the question occurred when an arrangement was made with a municipal court to initiate a time payment fee. The fee was collected but the payor defaulted on the fine payments. The court administrator contacted my office when the payor later asked to have his payment plan reinstated.

Accordingly, I would like to request a letter of clarification specifically answering whether the \$25 fee may be assessed more than once per court order. If so, what arrangement must be made to reinstate the payment plan? If not, do local governments retain their statutory authority to enforce fine payment, as they would had the \$25 time payment fee never been assessed?

Thank you for your consideration of this request. Should you have any questions, please contact my Austin office at (512) 463-0113.

Sincerely,

Rodney Ellis

Rodney Ellis

RE:rs